

IN THE DRAWINGS

An annotated sheet showing changes and replacement sheet for FIGs. 1 and 2 is attached in the Appendix following page 9 of this paper.

REMARKS

Claims 6-9 are allowed. Claims 2-4 are cancelled. Claims 1 and 5 are amended. Claims 10 and 11 are new. No new subject matter is added. Reconsideration and allowance of claims 1 and 5-11 is requested in light of the following remarks.

In the Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because FIG. 5 includes the reference character 250 that was not mentioned in the written description. To remove this objection, the specification is amended to insert the reference character 250 in the written description of FIG. 5. In particular, page 7, line 6 of the application as filed is amended to recite "[t]he magnetization directions of the magnetic memory cells are shown as arrows 250 in FIG. 5."

The drawings are also objected to as failing to comply with 37 CFR 1.83(a) because they fail to show a substrate as recited in claims 1 and 6. Accordingly, a replacement sheet is submitted for FIGs. 1 and 2 that shows a substrate 105 in FIG. 1. Thus, this objection is removed.

Allowable Subject Matter

Claims 6-9 are allowed.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,822,897 to Ishikawa ("Ishikawa"). The applicant disagrees.

Claim 1 is amended. The changes made to claim 1 are fully supported by the original application at, e.g., claims 2, 3, and 4; FIG. 1; and page 3, line 19 to page 4, line 10.

Contrary to claim 1, Ishikawa fails to show that the alleged magnetic memory cell (TMR, FIG. 15) includes an anti-ferromagnetic layer that is disposed over the digit line and that is electrically insulated from the digit line.

Also contrary to claim 1, Ishikawa FIGs. 18-20 do not teach that the word line WL is connected to the digit line DL, nor does it show that the word line WL is disposed under the digit line DL.

For any one of the above reasons, Ishikawa fails to anticipate claim 1 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131.

Claims 2-4 are cancelled.

Claim 5 is amended. The changes made to claim 5 are fully supported by the original application at, e.g., claim 5. Claim 5 depends from claim 1, and inherently contains the features of claim 1. Consequently, claim 5 is not anticipated by Ishikawa for at least the same reason Ishikawa fails to anticipate claim 1. MPEP 2131.

Claim 10 is new. The subject matter of claim 10 is fully supported by the original application at, e.g., FIG. 1. Claim 10 depends from claim 1 and inherently contains the features of claim 1. Consequently, claim 10 is not anticipated by Ishikawa for at least the same reasons Ishikawa fails to anticipate claims 1.

Furthermore, claim 10 recites that the word line is disposed in a region that is directly under the digit line. Ishikawa FIG. 20 illustrates that the word line WL is not disposed in a region that is directly below the digit line DL. For this additional reason, Ishikawa fails to anticipate claim 10. MPEP 2131.

Claim 11 is new. The subject matter of claim 11 is fully supported by the original application at, e.g., FIG. 1 and page 4, lines 9-10. Claim 11 depends from claims 1 and 5 and inherently contains the features of claims 1 and 5. Consequently, claim 11 is not anticipated by Ishikawa for at least the same reason Ishikawa fails to anticipate claim 1. MPEP 2131.

Furthermore, claim 11 recites that the switching element comprises a transistor having a drain electrode that is connected to the anti-ferromagnetic layer. Contrary to claim 11, Ishikawa fails to teach that the source/drain region 20 (FIG. 20) is connected to an anti-ferromagnetic layer. For this additional reason, Ishikawa fails to anticipate claim 11. MPEP 2131.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1 and 5-11 is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.


Todd J. Iverson, Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (571) 273-8300 on October 26, 2005.


Li Mei Vermilya

Hyung-Rok OH, et al.
 Attorney Docket No. 2522-057/Application No. 10/828,894

1/1

Annotated Sheet Showing Changes

FIG. 1

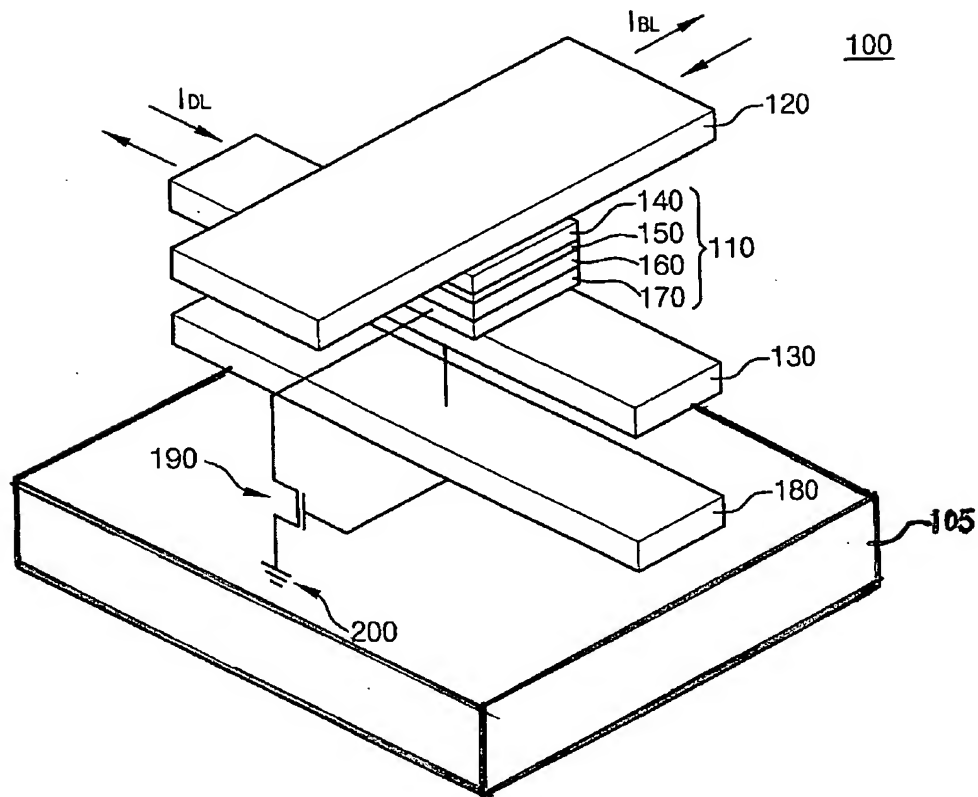


FIG. 2

